

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3644

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REMARKS

SEP 19 2006

Claims 1-7 and 23-26 are pending and rejected in this application.

Responsive to the rejection of claims 1, 2 and 4-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,815,077 (Christiansen), Applicants respectfully traverse the rejection and submit that claims 1, 2 and 4-7 are in condition for allowance.

Christiansen discloses an electronic collar for locating and training animals (Figs. 1 and 2) including an electronic collar assembly 12 and a corresponding hand-held radio transmitter 14 (column 1, lines 61-64). Collar assembly 12 is provided with an acoustic sounder 26. Transmitter 14 may place sounder 26 into one of three modes of operation, including continuous sounding, selective sounding and sound on point. Device 10 is such that various levels of stimulation may be utilized. This permits the stimulation level to be tailored to the sensitivity of the particular animal. The operator may program the assembly to apply increasing levels of stimuli. Then after the passage of a preset amount of time, the warning/stimuli cycle is reset and the stimuli starts again from the initial level of stimulation (column 3, lines 13-57).

In contrast claim 1 recites in part:

reducing said stimulation level to one of said plurality of levels between a current stimulation level and said minimum level dependent upon said determining step;

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Christiansen or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Christiansen discloses an electronic collar for locating and training animals and allows an operator to program the assembly to apply increasing levels of stimuli. After the passage of a preset amount of time the warning/stimuli cycle is reset and the stimuli starts again from the initial level of stimulation. The device of Christiansen resets its stimulation level to the initial

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level and it is not disclosed or taught that the stimulation level would be reset to a stimulation level between the initial level and the current level of stimulation. Applicants' invention reduces the stimulation level to an intermediate level, which is in contrast to the cited prior art. It is the inventive aspect of Applicants' invention that utilizes intermediate levels of stimulation in a reduced manner that distinguishes Applicants' invention. Therefore, Christiansen and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of reducing the stimulation level to one of a plurality of levels between a current stimulation level and the minimum level dependent upon the determining step, as recited in claim 1.

Applicants' invention has distinct advantages over the cited references, in that a reduced stimulation level between the current stimulation level and the minimum level is selected based upon determining complaint behavior of the animal. Accordingly, Applicants submit that claim 1, and claims 2 and 4-7 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1, 2 and 4-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,947,795 (Farkas), Applicants respectfully traverse the rejection and submit that claims 1, 2 and 4-7 are in condition for allowance.

Farkas discloses a barking control device and method (Figs. 1-6) including circuitry in a collar mounted electrical shock device that detects the onset of barking. The system initially produces only a single low stimulus electrical shock pulse to get the dog's attention, but does not produce a highly unpleasant level of stimulation. If the dog continues barking, the stimulation level of the electrical shock pulses are increased at the onset of each barking episode in a stepwise fashion. After a predetermined time of non-barking the circuitry resets itself to its lowest initial stimulation level and remains inactive until barking begins again (Abstract).

In contrast claim 1 recites in part:

reducing said stimulation level to one of said plurality of levels between a current stimulation level and said minimum level dependent upon said determining step;

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Farkas or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Farkas discloses a barking control device and method that increases the stimulation level in a step wise fashion. After a predetermined time of non-barking the circuitry resets itself to its lowest initial stimulation level. The device of cited in the prior art resets its stimulation level to the initial level and it is not disclosed or taught that the stimulation level would be reset to a stimulation level between the initial level and the current level of stimulation. Applicants' invention reduces the stimulation level to an intermediate level, which is in contrast to the cited prior art. It is the an inventive aspect of Applicants' invention that utilizes intermediate levels of stimulation in a reduced manner that distinguishes Applicants' invention. Therefore, Farkas and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of reducing the stimulation level to one of a plurality of levels between a current stimulation level and the minimum level dependent upon the determining step, as recited in claim 1.

Applicants' invention has distinct advantages over the cited references, in that a reduced stimulation level between the current stimulation level and the minimum level is selected based upon determining complaint behavior of the animal. Accordingly, Applicants submit that claim 1, and claims 2 and 4-7 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1, 2 and 4-7 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,928,958 (Crist et al.), Applicants respectfully traverse the

rejection and submit that claims 1, 2 and 4-7 are in condition for allowance.

Crist et al. disclose a vibration sensor assembly and method for a bark controller (Figs. 1-8B) including a technique of determining a valid bark detection. The technique includes a capture and compare program that generates a frequency spectrum of the received sound and compares it with a predetermined frequency spectrum to determine if the received sound constitutes a valid bark (column 4, lines 12-17). The dog owner can repetitively depress membrane switch 17 to select one of five stimulus intensity levels (column 5, lines 1 and 2). A microprocessor 33 automatically switches from a low power standby operation at 37 kHz to a normal operation of 4 MHz if the signal indicates that the dog has begun barking. Microcontroller 33 will reset as a result of the battery voltage being less than 2.2 volts (column 6, lines 34-42). Referring to Fig. 8A, if the decision of block 76 is that no valid bark is occurring the program goes to block 77 and causes the LED corresponding to the selected stimulation level to flash twice, and then the program returns to decision block 78. At decision block 72 the program determines that switch 17 is depressed. If switch 17 is not depressed the program causes microcontroller 33 to go into a sleep mode. If decision block 72 determines that switch 17 is depressed the program responds in block 74 by determining and storing the new desired stimulus level established by repetitive depressing of switch 17 (column 9, lines 38-59). Whenever bark limiter 1 enters the ON mode, it checks for neck motion, and if neck motion is detected, the program executed by microcontroller 33 checks for a valid bark. If there is neck motion but no valid bark the program checks for incrementing of the selected stimulus level by way of switch 17. If no incrementing of this stimulus level by way of switch 17 occurs, the program causes bark limiter 1 to go into a SLEEP mode (column 10, lines 47-53).

In contrast claim 1 recites in part:

reducing said stimulation level to one of said plurality of levels between a current stimulation level and said minimum level dependent upon said determining step;

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Crist et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Crist et al. discloses a vibration sensor assembly that goes into a SLEEP mode if there is no valid bark detected from the dog. The assembly goes into a SLEEP mode and resets its stimulation level to the initial level and it is not disclosed or taught that the stimulation level would be reset to a stimulation level between the initial level and the current level of stimulation. Applicants' invention reduces the stimulation level to an intermediate level, which is in contrast to the cited prior art. It is the an inventive aspect of Applicants' invention that utilizes intermediate levels of stimulation in a reduced manner that distinguishes Applicants' invention. Therefore, Crist et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of reducing the stimulation level to one of a plurality of levels between a current stimulation level and the minimum level dependent upon the determining step, as recited in claim 1.

Applicants' invention has distinct advantages over the cited references, in that a reduced stimulation level between the current stimulation level and the minimum level is selected based upon determining complaint behavior of the animal. Accordingly, Applicants submit that claim 1, and claims 2 and 4-7 depending therefrom, are in condition for allowance, which is hereby respectfully requested.

Claim 3 has been rejected under 35 U.S.C. § 103 as being unpatentable over Christiansen.

However, claim 3 depends from claim 1, and claim 1 is in condition for allowance for the reasons

given above. Accordingly, Applicants submit that claim 3 is in condition for allowance, which is hereby respectfully requested.

Claim 3 has been rejected under 35 U.S.C. § 103 as being unpatentable over Farkas et al. However, claim 3 depends from claim 1, and claim 1 is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claim 3 is in condition for allowance, which is hereby respectfully requested.

Claims 3 and 23-26 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Crist et al. However, claims 3 and 23-26 depend from claim 1, which is in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 3 and 23-26 are in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

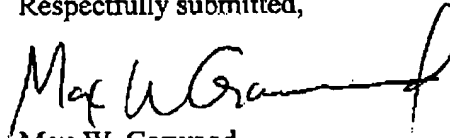
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Should any question concerning any of the foregoing arise, the Examiner is invited to
telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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MWG/bd

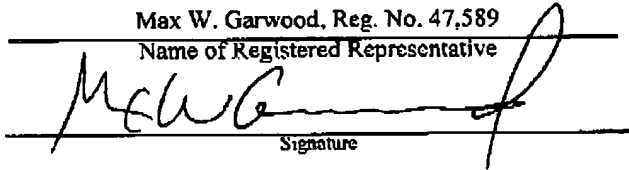
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